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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,228	09/12/2003	Paul Spaeth	16222U-012510US	6840
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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 2/21/2006.
2. Claims 1-2, 4-8, 10-15, 17-22, and 24-30 (including new claims 28-30) are presented for examination.
3. This application claims benefit of 60/410,555 filed on 09/13/2002.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 4-8, 10-15, 17-23, and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpentier et al. (U.S. 6,976,165).

Re claims 1, 5-6, 7, 13, 20, and 25-26: Carpentier et al. {hereinafter referred as “Carpentier”} discloses system and method for secure storage, transfer and retrieval of content

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addressable information, which includes a token acceptance device configured {herein Carpentier described a smart card to be inserted in a smart card terminal, wherein the terminal could be mobile telephones, personal digital assistants} to receive the portable token (col.25, lines 15-25), the token having a current token image and an update indicator, wherein the portable token is configured to be used in a financial transaction {herein Carpentier described escrow management, insurance and health} (col.21, lines 1-47); and a server configured to communicate with the token via the token acceptance device (col.9, lines 60+; col.14, lines 8+; col.22, lines 10+); wherein upon receiving an indication {herein interpreted as Intrinsic Unique identifiers/IUI set by the issuer} that the token image on the portable token is to be updated (col.25, lines 4-25), the server retrieves a backup token image for the portable token and uploads the backup token image to the portable token via the token acceptance device to replace the current token image on the portable token the backup token image comprising updated financial or loyalty transaction information for the portable token (col.20, lines 4+; col.22, lines 5+; col.24, lines 47+). Carpentier further teaches means of determining whether the token is to be updated (col.12, lines 5+), and first 402 and second 460 tokens wherein the first token is different from the second one (see fig. # 7).

Re claims 2, 8, 14, and 21: Carpentier teaches a system and method, further comprising a token image server configured to store a plurality backup token images; wherein the retrieved backup token image is selected based on one or more predetermined criteria {i.e. a creation date of the meta data 302} (col.10, lines 49+).

Re claims 4, 10, 15, and 22 Carpentier discloses a system and method, wherein upon updating the current token image with the backup token image on the token, the update indicator

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in the portable token is set to ensure that no further update is automatically performed (col.10, lines 62+; col.12, lines 15+).

Re claims 11, 17, and 24: Carpentier teaches a system and method, wherein the portable token is a smart card (col.25, lines 12+).

Re claims 12 and 18-19: Carpentier discloses a system and method, wherein the token acceptance device is a smart card terminal {herein may be a personal digital assistant or mobile telephone} (col.25, lines 23-35).

Re claim 27: Carpentier teaches a system and method, wherein the backup token image comprises transaction information for a financial account (col.24, lines 52+).

Re claims 28-30: Carpentier discloses a system and method, wherein the current token image includes loyalty {herein broadly interpreted as the escrow software management program} program information (col.22, lines 55+).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naim (U.S. 6,779,115) teaches portable device using a smart card to receive and decrypt digital data.

Tippler (U.S. 6,792,536) discloses smart card system and methods for proving dates in digital files.

Tarnovsky et al. (U.S. 6,880,752) teaches system and testing, verifying legitimacy of smart card in-situ and for storing data therein.

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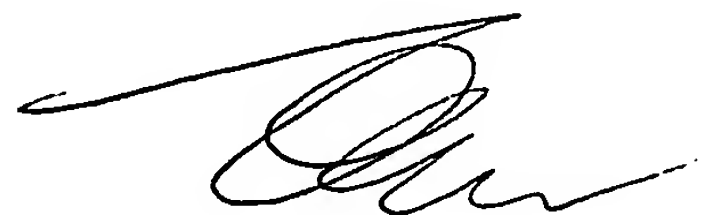
Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
March 5, 2006



THIEN M. LE
PRIMARY EXAMINER